

FIRST REGULAR SESSION

SENATE BILL NO. 701

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GOODMAN.

Read 1st time March 1, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

2593S.011

AN ACT

To repeal sections 337.010, 337.015, 337.020, and 338.198, RSMo, and to enact in lieu thereof six new sections relating to psychologist licensing.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 337.010, 337.015, 337.020, and 338.198, RSMo, are
2 repealed and six new sections enacted in lieu thereof, to be known as sections
3 337.010, 337.015, 337.020, 337.031, 337.032, and 338.198, to read as follows:

337.010. As used in sections 337.010 to 337.090 the following terms mean:

- 2 (1) "Committee", the state committee of psychologists;
- 3 (2) "Department", the department of economic development;
- 4 (3) "Division", the division of professional registration within the
5 department of economic development;
- 6 (4) "**Licensed prescribing psychologist**", any licensed psychologist
7 **who is also a certified health service provider and who holds a license**
8 **as a prescribing psychologist**;
- 9 (5) "Licensed psychologist", any person who offers to render psychological
10 services to individuals, groups, organizations, institutions, corporations, schools,
11 government agencies or the general public for a fee, monetary or otherwise,
12 implying that such person is trained, experienced and licensed to practice
13 psychology and who holds a current and valid, whether temporary, provisional or
14 permanent, license in this state to practice psychology;

15 [(5)] (6) "Provisional licensed psychologist", any person who is a graduate
16 of a recognized educational institution with a doctoral degree in psychology as
17 defined in section 337.025, and who otherwise meets all requirements to become
18 a licensed psychologist except for passage of the licensing exams, oral

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 examination and completion of the required period of postdegree supervised
20 experience as specified in subsection 2 of section 337.025;

21 **[(6)] (7)** "Recognized educational institution":

22 (a) A school, college, university or other institution of higher learning in
23 the United States, which, at the time the applicant was enrolled and graduated,
24 had a graduate program in psychology and was accredited by one of the regional
25 accrediting associations approved by the Council on Postsecondary Accreditation;
26 or

27 (b) A school, college, university or other institution of higher learning
28 outside the United States, which, at the time the applicant was enrolled and
29 graduated, had a graduate program in psychology and maintained a standard of
30 training substantially equivalent to the standards of training of those programs
31 accredited by one of the regional accrediting associations approved by the Council
32 of Postsecondary Accreditation;

33 **[(7)] (8)** "Temporary license", a license which is issued to a person
34 licensed as a psychologist in another jurisdiction, who has applied for licensure
35 in this state either by reciprocity or endorsement of the score from the
36 Examination for Professional Practice in Psychology, and who is awaiting either
37 a final determination by the committee relative to such person's eligibility for
38 licensure or who is awaiting the results of the jurisprudence examination or oral
39 examination.

337.015. 1. No person shall represent himself as a psychologist in the
2 state of Missouri unless he is validly licensed and registered under the provisions
3 of this chapter. No person shall engage in the practice of psychology in the state
4 of Missouri unless he is validly licensed and registered under the provisions of
5 this chapter unless otherwise exempt under the provisions of sections 337.010 to
6 337.090.

7 2. A person represents himself as a "psychologist" within the meaning of
8 this chapter when he holds himself out to the public by any title or description
9 of services incorporating the words "psychology", "psychological", or "psychologist",
10 or any term of like import, "psychometry", "psychometrics", "psychometrist",
11 "psychotherapy", "psychotherapists", "psychoanalysis", "psychoanalyst", or
12 variants thereof or when the person purports to be trained, experienced or an
13 expert in the field of psychology, and offers to render or renders services as
14 defined below to individuals, groups, organizations, or the public for a fee,
15 monetary or otherwise; provided, however, that professional counselors licensed

16 to practice under this chapter, or a physician licensed to practice pursuant to
17 chapter 334, RSMo, who specializes in psychiatry, may use any of such terms
18 except "psychology", "psychological", or "psychologist" so long as such is consistent
19 with their respective licensing laws.

20 3. The "practice of psychology" within the meaning of this chapter is
21 defined as the observation, description, evaluation, interpretation, treatment, and
22 modification of human behavior by the application of psychological principles,
23 methods, and procedures, for the purpose of preventing, treating, or eliminating
24 symptomatic, maladaptive, or undesired behavior and of enhancing interpersonal
25 relationships, work and life adjustment, personal effectiveness, behavioral health,
26 and mental health. The practice of psychology includes, but is not limited to,
27 psychometric or psychological testing and the evaluation or assessment of
28 personal characteristics, such as intelligence, personality, abilities, interests,
29 aptitudes, and neuropsychological functioning; counseling, psychoanalysis,
30 psychotherapy, hypnosis, biofeedback, and behavior analysis and therapy;
31 diagnosis and treatment of mental and emotional disorder or disability in both
32 inpatient and outpatient settings, alcoholism and substance abuse, disorders of
33 habit or conduct, as well as the psychological aspects of physical illness, accident,
34 injury, or disability; psychoeducational evaluation, therapy, remediation, and
35 consultation; and teaching and training of psychological
36 competence. Psychological services may be rendered to individuals, families,
37 groups, and the public. The practice of psychology shall be construed within the
38 meaning of this definition without regard to whether payment is received for
39 services rendered. **In addition, for a licensed prescribing psychologist the
40 practice of psychology shall include the authority to prescribe
41 medication. Such prescriptive authority practices include writing
42 orders for psychotropic medicine, including stimulants and those
43 standard off-label medications as included as the accepted standard of
44 practice for psychology and medicine, and any psychological treatment
45 or laboratory testing. Authority to order electrical convulsive therapy
46 is not granted by the provisions of this subsection.**

47 4. The application of these principles and methods includes, but is not
48 restricted to: diagnosis, prevention, treatment, and amelioration of adjustment
49 problems and emotional and mental disturbances of individuals and groups;
50 hypnosis; counseling; educational and vocational counseling; personnel selection
51 and management; the evaluation and planning for effective work and learning

52 situations; advertising and market research; and the resolution of interpersonal
53 and social conflicts.

337.020. 1. Each person desiring to obtain a license, whether temporary,
2 provisional or permanent, as a psychologist shall make application to the
3 committee upon such forms and in such manner as may be prescribed by the
4 committee and shall pay the required application fee. The application fee shall
5 not be refundable. Each application shall contain a statement that it is made
6 under oath or affirmation and that its representations are true and correct to the
7 best knowledge and belief of the person signing the application, subject to the
8 penalties of making a false affidavit or declaration.

9 2. Each applicant, whether for temporary, provisional or permanent
10 licensure, shall submit evidence satisfactory to the committee that the applicant
11 is at least twenty-one years of age, is of good moral character, and meets the
12 appropriate educational requirements as set forth in either section 337.021 or
13 337.025, or is qualified for licensure without examination pursuant to section
14 337.029. In determining the acceptability of the applicant's qualifications, the
15 committee may require evidence that it deems reasonable and proper, in
16 accordance with law, and the applicant shall furnish the evidence in the manner
17 required by the committee.

18 3. The committee with assistance from the division shall issue a
19 permanent license to and register as a psychologist any applicant who, in
20 addition to having fulfilled the other requirements of sections 337.010 to 337.090,
21 passes the examination for professional practice in psychology and such other
22 examinations in psychology which may be adopted by the committee, except that
23 an applicant fulfilling the requirement of section 337.029 shall upon successful
24 completion of the jurisprudence examination and completion of the oral
25 examination be permanently licensed without having to retake the examination
26 for professional practice in psychology.

27 4. The committee, with assistance from the division, shall issue a
28 provisional license to, and register as being a provisionally licensed psychologist,
29 any applicant who is a graduate of a recognized educational institution with a
30 doctoral degree in psychology as defined in section 337.025, and who otherwise
31 meets all requirements to become a licensed psychologist, except for passage of
32 the national and state licensing exams, oral examination and completion of the
33 required period of postdegree supervised experience as specified in subsection 2
34 of section 337.025.

35 5. A provisional license issued pursuant to subsection 4 of this section
36 shall only authorize and permit the applicant to render those psychological
37 services which are under the supervision and the full professional responsibility
38 and control of such person's postdoctoral degree licensed supervisor. A
39 provisional license shall automatically terminate upon issuance of a permanent
40 license, upon a finding of cause to discipline after notice and hearing pursuant
41 to section 337.035, upon the expiration of one year from the date of issuance
42 whichever event first occurs, or upon termination of supervision by the licensed
43 supervisor. The provisional license may be renewed after one year with a
44 maximum issuance of two years total per provisional licensee. The committee by
45 rule shall provide procedures for exceptions and variances from the requirement
46 of a maximum issuance of two years due to vacations, illness, pregnancy and
47 other good causes.

48 6. The committee, with assistance from the division, shall immediately
49 issue a temporary license to any applicant for licensure either by reciprocity
50 pursuant to section 337.029, or by endorsement of the score from the examination
51 for professional practice in psychology upon receipt of an application for such
52 licensure and upon proof that the applicant is either licensed as a psychologist
53 in another jurisdiction, is a diplomate of the American Board of Professional
54 Psychology, or is a member of the National Register of Health Services Providers
55 in Psychology.

56 7. A temporary license issued pursuant to subsection 6 of this section
57 shall authorize the applicant to practice psychology in this state, the same as if
58 a permanent license had been issued. Such temporary license shall be issued
59 without payment of an additional fee and shall remain in full force and effect
60 until the earlier of the following events:

61 (1) A permanent license has been issued to the applicant following
62 successful completion of the jurisprudence examination and the oral interview
63 examination;

64 (2) In cases where the committee has found the applicant ineligible for
65 licensure and no appeal has been taken to the administrative hearing
66 commission, then at the expiration of such appeal time; or

67 (3) In cases where the committee has found the applicant ineligible for
68 licensure and the applicant has taken an appeal to the administrative hearing
69 commission and the administrative hearing commission has also found the
70 applicant ineligible, then upon the rendition by the administrative hearing

71 commission of its findings of fact and conclusions of law to such effect.

72 **8. The committee, with assistance from the division, shall issue**
73 **a prescribing psychologist license to, and register as a licensed**
74 **prescribing psychologist, any person who, in addition to being a**
75 **licensed psychologist and a certified health service provider, also meets**
76 **the training, education, experience, and examination requirements**
77 **necessary for licensure as a prescribing psychologist promulgated by**
78 **the division under section 337.031.**

79 **9.** Written and oral examinations pursuant to sections 337.010 to 337.090
80 shall be administered by the committee at least twice each year to any applicant
81 who meets the educational requirements set forth in either section 337.021 or
82 337.025 or to any applicant who is seeking licensure either by reciprocity
83 pursuant to section 337.029, or by endorsement of the score from the examination
84 of professional practice in psychology. The committee shall examine in the areas
85 of professional knowledge, techniques and applications, research and its
86 interpretation, professional affairs, ethics, and Missouri law and regulations
87 governing the practice of psychology. The committee may use, in whole or in part,
88 the examination for professional practice in psychology national examination in
89 psychology or such other national examination in psychology which may be
90 available.

91 **[9.] 10.** If an applicant fails any examination, the applicant shall be
92 permitted to take a subsequent examination, upon the payment of an additional
93 reexamination fee. This reexamination fee shall not be refundable.

337.031. 1. The provisions of this section shall govern the
2 **training, education, experience, and examination requirements**
3 **necessary for licensure as a prescribing psychologist.**

4 **2. The division shall promulgate rules establishing requirements**
5 **necessary for licensure as a prescribing psychologist which shall**
6 **include requirements that the applicant for licensure as a prescribing**
7 **psychologist:**

8 **(1) Complete a minimum of at least three hundred hours of**
9 **didactic educational instruction consistent with the model curriculum**
10 **standards for prescriptive authority as currently recommended by the**
11 **American Psychological Association;**

12 **(2) Complete a one-year supervised fellowship. The fellow shall**
13 **be supervised weekly and maintain a full-time caseload of patients**

14 during the year, and duties shall include medication management,
15 psychological evaluations, and therapeutic services;

16 (3) Pass a national examination testing competency to engage in
17 the practice of prescriptive authority such as the examination offered
18 by the American Psychological Association Practice Organization's
19 College of Professional Psychology or the International College of
20 Prescribing Psychologists Examination with passage levels for any such
21 national examination to be based on recommendations from the
22 committee;

23 (4) Complete a minimum of one calendar year of supervision with
24 a physician after the prescribing license has been achieved; and

25 (5) Maintain medical liability insurance at levels appropriate to
26 the profession both during the training period and thereafter.

27 3. In addition to the requirements for licensure under subsection
28 2 of this section the division may promulgate rules establishing
29 additional requirements for licensure as a prescribing psychologist that
30 are based on current educational guidelines stated in the American
31 Psychological Association's publication of Recommended Postdoctoral
32 Training in Psychopharmacology for Prescription Privileges. Such
33 additional requirements shall relate to any number of the following
34 didactic subject areas and preceptorship-supervision models:

35 (1) Pharmacology/psychopharmacology: child, adult, geriatric,
36 general clinical:

37 (a) Pharmacokinetics and pharmacodynamics, drug interactions,
38 side effects, substance abuse; and

39 (b) Serology, laboratory and maintenance of therapeutic drug
40 levels;

41 (2) Related sciences:

42 (a) Neuroanatomy, neurophysiology, neurochemistry; and

43 (b) Pathophysiology, organ, and anatomy systems of functioning
44 and nonfunctioning and metabolism/biotransformation;

45 (3) Treatment applications:

46 (a) Consultation with other professionals;

47 (b) Ethics and professional issues; and

48 (c) Computer-enhanced record and history accountability.

49 4. Any rule or portion of a rule, as that term is defined in section
50 536.010, RSMo, that is created under the authority delegated in this

51 section shall become effective only if it complies with and is subject to
52 all of the provisions of chapter 536, RSMo, and, if applicable, section
53 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
54 and if any of the powers vested with the general assembly pursuant to
55 chapter 536, RSMo, to review, to delay the effective date, or to
56 disapprove and annul a rule are subsequently held unconstitutional,
57 then the grant of rulemaking authority and any rule proposed or
58 adopted after August 28, 2007, shall be invalid and void.

337.032. Any licensed prescribing psychologist shall for the first
2 year after licensure as a prescribing psychologist perform all
3 prescribing under a collaborative practice agreement with a physician
4 licensed under chapter 334, RSMo. After completion of the one-year
5 physician collaborative practice agreement, the prescribing
6 psychologist shall maintain communication with a physician to make
7 provision for the diagnosis and treatment of medical problems by a
8 physician licensed under chapter 334, RSMo.

338.198. Other provisions of law to the contrary notwithstanding, a
2 pharmacist may fill a physician's prescription, a **prescription of a licensed**
3 **prescribing psychologist**, or the prescription of an advanced practice nurse
4 working under a collaborative practice arrangement with a physician, when it is
5 forwarded to the pharmacist by a registered professional nurse or registered
6 physician's assistant or other authorized agent. The written collaborative
7 practice arrangement shall specifically state that the registered professional
8 nurse or registered physician assistant is permitted to authorize a pharmacist to
9 fill a prescription on behalf of the physician.

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